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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ROBERT MITCHELL,

9 Plaintiff,

10 v.

11 M. DRAGOO et al.,

12 Defendants.

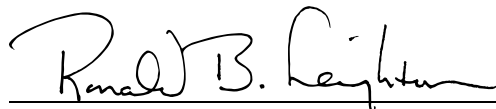
CASE NO. C10-5436 RBL/JRC

ORDER ADOPTING A REPORT AND  
RECOMMENDATION

13 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
14 Richard Creatura, objections to the Report and Recommendation [Dkt. #31], and the remaining  
15 record, does hereby find and ORDER:

- 16 (1) Plaintiff's Objections do not refute that Plaintiff failed to exhaust his  
17 administrative remedies;
- 18 (2) The Court adopts the Report and Recommendation;
- 19 (3) Defendant's Motion for Summary Judgment is GRANTED. Claims against Dr.  
20 Furst are dismissed WITHOUT PREJUDICE for failure to exhaust administrative  
21 remedies.
- 22 (4) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.  
23 Richard Creatura.

24 DATED this 18<sup>th</sup> day of July, 2011.

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26 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE